Court No.3

Criminal Application No. 189 of 2003

Sarvejit Singh and others Petitioners.

Versus

Sessions Judge District U.S. Nagar & others Respondents.

**Hon'ble Irshad Hussain, J.**

This is a petition under section 482 of the Code of Criminal Procedure for quashing of the impugned summoning order dated 31.1.2003 as well as the judgment and order of the revisional court dated 8-8-2003.

Heard Sri B.S. Khanka learned counsel for the revisionists and learned A.G.A.

The respondent No.3 filed a criminal complaint alleging breach of trust in relation to her 'Stridhan' and the learned Magistrate on the basis of the evidence recorded under sections 200 and 202 of the Criminal Procedure Code was of the opinion that there was prima facie case to establish the offences as allegedly committed by the petitioners. Consequently the summoning order was passed on 31.3.2003. The petitioners have preferred a protest petition which was dismissed on merit. Thereafter the petitioners went in revision before the learned Sessions Judge. The learned Sessions Judge considered the entire facts and evidence as available on record and dismissed the revision observing that there were no cogent reasons to interfere with the summoning order passed in the case. It was also observed that after recording the evidence under section 244 of the Criminal Procedure Code the Magistrate will be in a position to assess as to whether a charge need to be framed against the revisionists or not and the effective relief can very well be granted at this stage, if available, to the petitioners.

Having considered these aspects and the fact that the petitioners have had their say twice against the summoning order, there appear to be no infirmity when the protest petition was rejected and also when the revision was dismissed on merit. There was prima facie evidence to proceed against the petitioners for offences punishable under sections 403/406 I.P.C. and

therefore there being no merit in this petition, the same is dismissed in limine.

Dated 5-9-2003 **(Irshad Hussain, J.)**

ISB